

December 16, 2013

PRESENT: Richard Nichols, Chairman
Michael Pierce, Vice-Chairman
Philip Bean, Selectman
Mary-Louise Woolsey, Selectman
Michael Plouffe, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

Chairman Nichols asked everyone to remain standing for a moment of silence in memory of Vic Lessard passing.

Chairman Nichols shared the many ways Vic Lessard served the Town. Municipal Budget Committee, first elected in 1972, he served 1 term; Board of Selectman, first elected in 1973, he served 5 terms; Planning Board beginning in 1973, he served 3 terms; Leased Land Real Estate Commission, appointed in 2011 where he was currently serving; Trustees of the Trust Fund, first elected in 1989, he served 8 terms; Zoning Board of Adjustment first elected in 1991, he served 8 terms, and was the Chairman.

Chairman Nichols also shared that a number of people both Board members and others have suggested that the 2013 Town Report be dedicated to Vic. There was a consensus amongst the Board that this should be done.

I. Public Hearing RSA 31:95-b,III(a) (12:53)

To apply for a \$400,000 “2013 Hurricane Sandy Coastal Resiliency Competitive” grants application for the purpose of decommissioning the Old Mill Pond Dam and Replacement of the High Street Culverts.

Mr. Noyes explained that this is a fantastic opportunity for the Town; Dam Bureau officials told him about this grant; 75% Federal grant with a 25% local match; used for decommissioning the dam as well as replacing the culvert on High Street; updated estimate on replacing the culvert is \$175,000; would like to increase his authority and submit the grant application for \$430,000; two-step process; went through the two processes; would like the Boards support on applying for this grant; webinar he will be taking tomorrow in regards to filing this grant application.

Chairman Nichols confirmed with Mr. Noyes that the \$430,000 reflects the 75% Federal funding.

Selectman Woolsey MOTIONED to AUTHORIZE the DPW Director to apply for a \$430,000 “2013 Hurricane Sandy Coastal Resiliency Competitive” grant application for the purpose of decommissioning the Old Mill Pond Dam and Replacement of the High Street Culverts SECONDED by Selectman Pierce.

Discussion

Selectman Woolsey asked the following questions: will the culvert allow for adequate fish transport; will be adequate to drain the area, Mr. Noyes stated that that culvert would to both questions; and Selectman Woolsey commented that it is logical to put a single article for decommissioning the dam and include replacement of the culvert.

Chairman Nichols expressed concerns with the letter of deficiency they are under from DES and therefore feels that the warrant articles should still be separate.

Selectman Bean asked Mr. Noyes to explain what decommissioning the Old Mill Pond Dam entails. Mr. Noyes explained that it would entail the following: it is to have an open channel through the existing dam and underneath the old Grist Mill; he also talked about the preliminary design that they have from the engineer; cement like flume; water would be allowed to continually run through and not be dammed up. Selectman Bean asked for Mr. Welch's input. Mr. Welch stated that the Director is absolutely correct; the State's request is that we spend the money to renovate the dam and bring it up to today's standard; or we breach it like the Director is talking about, by removing a portion of the rock directly behind the mill; so the flow will go under the Grist Mill, through the culvert and into Meadow Pond. Selectman Bean asked what this does to the standing water that is there now and the affect to wetlands up to the West. Mr. Welch explained that the existing water will disappear down to what would have been the original brook; discussed his original concern with material behind the dam that has been there for hundreds of years. Selectman Bean asked if Mr. Welch believes there have sufficient liaisons with the State as far as pushing back on deadlines and discussion of fines against the taxpayers of Hampton. Mr. Welch commented that the State has been extremely cooperative but a deadline has been set.

VOTE: 4(Pierce, Woolsey, Plouffe, Nichols)-0-1(Bean)

Selectman Woolsey MOTIONED to combine on the warrant the two articles decommissioning the Old Mill Pond Dam and Replacement of the High Street Culverts SECONDED by Selectman Plouffe.

Atty. Gearreald explained that this grant applies to both the decommissioning of the dam and replacement of the culvert.

Chairman Nichols; the way it is structured now the current article for Grist Mill Dam is for \$400,000 with no conditions of getting grants; the way the article for the culvert is structured that the approval of the voters was conditioned on receiving grants of 50%; there is a real incentive for the voters to approve the culvert based on the fact that they are signing up for about \$62,000; cannot be conditions on the Grist Mill Dam since the Town has to do this; concerns with upping the amount of \$400,000 to \$575,000.

Selectman Woolsey commented that the current article for the dam does not include any amounts; there was a discussion on possibilities of receiving the grant.

Motion was withdrawn.

II. Public Hearing on Amendments to Entertainment Activities Ordinance (28:14)

Chairman Nichols commented on the noise generated from entertainment activities surfaced as an issue in 2011; Police enforcement of current ordinance is problematic; problem with

petitioned warrant article in 2012; objective of the warrant article they are presenting is to craft an enforceable ordinance that balances the interest of the businesses providing entertainment activities with the residents and other businesses in the area; listed out the highlights of article including information on db. levels, hours of entertainment, complaint process, Police Officers will be provided the necessary equipment to measure levels and this is strictly related to entertainment and no other types of noise such as vehicle noise.

Selectman Pierce spoke about the time he spent walking around the beach with Deputy Chief Sawyer and therefore he feels very comfortable with the levels being set.

Selectman Woolsey spoke about the following: that after listening to the Precinct meeting there seems to be a little more of a feeling of a 10 pm shut down as opposed to the 11 pm being presented. Selectman Pierce and Chairman Nichols both believe that the discussion the Precinct Commissioners had was related to what time a lot of the activities shut down at the beach.

Chuck Rage asked for clarification on the 11 pm time being for outside entertainment to end or just for the db level to drop from 75 dbs. Chairman Nichols commented that it is for outside entertainment ceasing along with db level of inside noise must be lowered to 65 db level.

Bob Ladd stated if there is a complaint and violation of the ordinance he would like the first violation to be a warning and not a fine.

A business owner asked if there is inside entertainment with speakers facing outside would that be considered outside entertainment and Chairman Nichols stated that they are still working on the definition of what is outside entertainment.

Al Fleury wonders what the difference is if the entertainment is inside or outside, if they are adhering to the decibel level. Chief Sullivan wants to be clear that the db level is being set by the Board and public and not the Police Chief. Chairman Nichols made comments as follows: as a practical matter outside entertainment that is not taking place within a structure which has the capability to contain and attenuate noise levels is more apt to be a problem than inside entertainment; major steps that were taken with Wally's Pub to address noise issues; much more likely to run into issues with outside entertainment; when make a rule within the ordinance that is really black and white that you can have outside entertainment up to 11 pm and you cannot after 11 pm it makes it very simple from an enforcement standpoint; responding to complaints as opposed to going around looking for trouble; provided an example of this scenario; talked about neighbors helping neighbors. Mr. Fleury commented on the neighbors helping neighbors.

Vincent Raciti, the Sea Ketch; in regards to neighbors working with neighbors and he has been there for 32 years; has always worked with his neighbors; never had any complaints for entertainment being too loud; probably the first one to have entertainment down on the beach; always been very considerate; when he applied for entertainment license stated entertainment would end at midnight; does not feel he should be penalized because of other activities happening at the beach. Chairman Nichols commented that this may not even affect him and reminded everyone that they are only looking at enforcing this if there is a complaint. Chairman Nichols also shared some information on research he has done and did notice that Sea Ketch had no complaints.

Bob Preston; the work Vinnie has done over the years; enjoys seeing the acoustic player out there; hate to put them at a disadvantage and close down an hour earlier.

Mari-lee Twomey; would like to recognize the efforts of the Board, Police Chief and Deputy Chief; noise ordinances are a very common thing in many cities today; shared some decibel levels for surrounding cities; right to look to these other communities when setting the decibel level; thanked them for their time and efforts.

Kevin Brown, Sea Ketch; they also have roofs and screens that come down for inclement weather; if they put those down are they inside or outside; they do not want to cause a problem for anyone; discussed the number of years they have been in business and people they employ; this is kind of taking something away from them as a business.

Doc Noel, Chamber; speaking as a member of the Chamber; tourist coming want entertainment; number 1 thing people ask for; never heard any complaint; Chamber gets a lot of calls; very short season; amount business owners pay in taxes and expenses they have; without those businesses there would be no Hampton Beach.

Allan Ganz; Attorney from Seabrook NH; his firm represents a few of the businesses down the beach; proposal is illogical; doing this based on a complaint; 65 decibels from inside or outside is exactly the same; does not know how they can discriminate between businesses who operate inside or outside; Police should have the right to enforce the law; not wait to see if there is a complaint; way this is being proposed makes no sense.

Brian Lapham, 27 High Street; since Board approves the license can they include something allowing the Sea Ketch to continue entertainment longer as they have done in the past; they would also have the ability to take it away if there were complaints; is there a waiver that could be included.

Comments from the Board

Selectman Bean; great to see the Chamber out expressing their opinion; has proclaimed his dis-interest in proceeding with this; entering into this no man's land of no joy, no solution, no peace; there are neighbors that are just opposed with the entertainment in this area; feels the neighbors, businesses and law enforcement working together on this can solve the problems; Chief of Police has stood here tonight stating this is the Board's decision; young entertainment beach community; classy beach with classy tourist; thinks the Chamber speaking here tonight should be heard; there will be litigation resulting from this; drain on law enforcement.

Selectman Bean MOTIONED that they not go forward this year with a noise ordinance SECONDED by Selectman Woolsey.

Selectman Woolsey asked the Chief how comfortable is he with his authority now if there is a big racket and someone makes a complaint can he go over and have them shut it down. Chief Sullivan made comments as follows: the ordinance previously had some mobility for them to have enforcement activity; curtailed at Deliberative and gave them some limitations; under State law for disorderly conduct they have the right to proceed if there was an issue that continued; has been used very sparingly; have had areas where people could not agree; some things in the ordinance are helpful to them and listed them out for the Board; if all failed an individual has a right to write a petition to the Board; talked about how the

disorderly conduct works in detail; challenging process for a beach community. Selectman Woolsey pointed out that if someone did complain the Police could tell them to write a petition to the Board and the Board can pull their license. Chief Sullivan went into detail on how they would handle a complaint.

Chairman Nichols added the following: report Police provided for 2011 and 2012 with a history of all the noise complaints; there were periods in 2011 with many complaints of noise; triggering the discussion in 2012; items in the ordinance that inhibit their enforcement; warrant article they currently have is a result of work done by the Police and Town Attorney; objective decision of what the db level should be; does not believe that they are ultimately going to inhibit anybody who is given consideration and working with their neighbors; instead help with the small portion of time and the unusual situation when this does not take place; thinks that an enforceable ordinance in itself can solve this problem. Selectman Woolsey questioned if he is alleging that their authority to issue or revoke entertainment permit is not an effective tool. He would like to craft a scenario so they do not get to that point.

Selectman Pierce: the only one thing that got him to consider this is the numerous complaints he received; not a personal agenda of his; convinced something that needs to be done.

VOTE: 1(Beau)-4(Pierce, Plouffe, Nichols, Woolsey)-0

III. Public Comment on Solid Waste and Commercial Trash Collection (1:08:07)

Chairman Nichols: this item was requested by Chuck Rage; this is why it is referred to as Public Comment; no Selectmen sponsored warrant article at this point; three votes on proposals, which he went through in detail; no petitioned article at this point but they have until January 14th.

Chuck Rage, 121 Ocean Blvd: number of people present shows how passionate people are about trash; stress to the people looking to do a petitioned warrant article; very clean Town; seeing 20 different trash trucks in Town; great system in place; increased size of Transfer Station to support the number of people going there; trying to save pennies and will be spending dollars; strong support to keep things the way they are.

Doc Noel: number of business owners involved with Chamber; discontinuation of trash pick-up is just not the right thing to do; reason State spent so much to improve Hampton Beach; voted one of the most cleanest beaches; what other communities do to improve their tax base by growing commercial districts; how businesses do not have children in the school system; their organization will work to stop this article from being put forward; one Town.

Bob Ladd, Village District Commissioner: in the past few years Town and State have turned this beach around; this is not the way we should be going; look at this as a fairness issue; would not vote on this if it was to take away residential trash pick-up; serve the greater good of the whole community; what does commercial mean and shared some examples; comments about most communities not picking up commercial trash; Town parking lots generating revenue.

Ken Bandilla, Grayhurst Hotel, commented: small hotel; number of trash and recycling carts they fill during the season; number of contractors that will be down there picking up trash;

amount of trash that will end up on the streets; very short sided to eliminate commercial trash pick-up; amount he pays in taxes.

Comments from the Board

Selectman Bean: reiterated that there is no Selectmen sponsored article; incumbent upon them as leaders when they sign on and the Board collectively makes a decision on something they need to support that decision; how a Selectman should not go out and support a petitioned article; give a feeling to business owners that we do not support them; disassociates himself from any private petitioned article.

Chairman Nichols: a lot has been said about business owners not sending kids to school; reason why he does not think this is a fair comparison; schools are mandated by law; amount of taxes he pays and does not have kids in school or trash pick-up; taxes based on value of property; asked DPW Director to provide the Board with options and 3 came up which he went through in detail; he personally is opposed to eliminating commercial trash; issue of tax base overall; thinks eliminating commercial trash is a mistake; does not think there would be 20 trash companies running around the beach and explained why.

Selectman Pierce: school system being mandated by law and trash pick-up is not; disagrees with looking at it this way; the Town is in the business of providing services.

IV. Public Comment Period (1:29:44) (1:36:58)

Arthur Moody, 4 Thomsen Road, commented on the cover already being set for the Town Report; 375th memorabilia still for sale; discussed different items for sale.

V. Announcements and Community Calendar (1:30:32)

Selectman Pierce announced the December artist of the month for the Hampton Arts Network is Barbara Busenbark.

Selectman Bean wanted to extend remarks on Victor Lessard and all the family members, significant contributions family has made to the Nation and Town and a heartfelt debt of gratitude to that family.

Selectman Woolsey announced the successful ribbon cutting at the Beach Fire Station and the remarkable job Chief Silver has done.

Chairman Nichols put out a reminder on how residents can sign up for non-emergency notifications, which he went through.

VI. Appointments (1:36:15)

1. Keith Noyes, DPW Director (1:39:57)

a. Church Street Pump Station

Change Order – Second Electrical Disconnect \$7,722.50

Mr. Noyes commented as follows: approve a work order for \$7,722.50; necessary to add a second electrical disconnect; approved by Town electrical inspector.

Selectman Woolsey MOTIONED to APPROVE the Church Street Pump Station Change Order for the Second Electrical Disconnect for \$7,722.50 SECONDED by Selectman Plouffe.

Chairman Nichols: only thing he saw in report was that the Building Inspector wants this; wonders what benefits are; what are we getting from this. Mr. Noyes believes that Unitil is requiring meters be replaced with CT cabinet. Mr. Welch commented on it being related to safety issues.

VOTE: 5-0-0

b. DPW Bid Award Waiver Requests (1:42:19)

i. 2013-023 Ultra-Low Sulfur Diesel

Mr. Gingras explained that they bid this for the second time; amount of sulfur diesel they receive; received only two bids; waiver to accept Atlantic Fuels to continue providing this service.

Selectman Woolsey MOTIONED that the 2013-023 Ultra-Low Sulfur Diesel fees be accepted SECONDED by Selectman Pierce.

Chairman Nichols asked about the following: no amount included; is all diesel fuel considered ultra-low sulfur diesel. Mr. Gingras provided answers to Chairman Nichols questions.

VOTE: 5-0-0

ii. 2013-018 Grinding and Removal of Brush and Wood

Mr. Gingras explained that they had three bidders; lowest bidder was Douglas W. Jones; discussed the other two bidders; Douglas W. Jones has had the Town's services since 2011.

Selectman Woolsey MOTIONED to APPROVE the DPW Bid Award Waiver Requests for the 2013-018 Grinding and Removal of Brush and Wood to Douglas W. Jones SECONDED by Selectman Plouffe.

Selectman Pierce: thought we were chopping down our own trees; explained this is for the brush and stumps brought to the Transfer Station.

Chairman Nichols stated that according to the purchasing policy that \$15,000 is the threshold before you have to come to the Board for approval. It also appears that we plan to spend more in 2014 and Mr. Gingras explained why this is the case and it is related to timing.

VOTE: 5-0-0

There was a discussion on the warrant article for sewer connection charges. The Board needs an updated copy of this article.

2. Wendy Lull, President Seacoast Science Center (1:49:20)

a. Marine Mammal Rescue on Hampton Beach

Ms. Lull provided a short presentation; have been authorized to rescue marine mammals; organizations they will be coordinating with; number of organizations across the country; volunteer opportunities; showed four animals they see; most of the mammals come in the summertime; on average see about 70 mammals; interested in working with the Town and its departments; collecting field data; how they manage healthy mammals on the beach; rehabilitation and release; a lot of work ahead of them; bit of challenge for them; great deal of community support; looking forward to working with the Town; signs they would like to put up.

Selectman Woolsey suggested that they provide some brochures to put in the Town Hall.

Selectman Woolsey MOTIONED to APPROVE the signs being put up SECONDED by Selectman Plouffe.

VOTE: 5-0-0

Chairman Nichols suggested that they start out with Mr. Welch in regards to the proper people for them to communicate with.

3. Ann Carnaby, NH Coastal Bi-way Corridor Study Committee Representative (2:01:44)
 - a. NH Coastal Bi-way Corridor Survey Results

Ms. Carnaby spoke about the Rockingham Planning Commission Coastal Bi-way committee; that it brings the 6 communities in the coastal scenic Bi-way as one entity; more connected to each other than separate when it comes to travel and tourism considerations; three weeks ago Hampton responders on survey was low however that has changed and Hampton is now second; shared the number of responses; results of effort are beyond that since survey will now be left up until the Spring; website is www.surveymonkey.com/s/NHCoastalByway; this will continue to be posted on Channel 22 and at the Library.

VII. New Business (2:04:41)

1. Dennis Moulton, PE MSC Civil Engineers
 - a. Permission for Seawall reconstruction and extension on Town Property
 - i. 32 Nor' East Lane – Michael & Charlotte LaPierre
 - ii. 28 Nor' East Lane – Stephen A. James
 - iii. 24 Nor' East Lane – Theodore L. Vitas for Nor' East Lane Irrevocable Trust
 - iv. 20 Nor' East Lane – James L. Vitas for the James L. Vitas Qualified Personal Residence Trust
 - v. 16 Nor' East Lane – Robert C. and Mary Jane Solomon

Mr. Moulton explained the reason why he is before the Board and with him tonight is the contractor who will be doing the work; location of where work will be done; properties have several owners; discussed how the wall exists now; proposed block wall; explained the wall in detail; construct several beach accesses from the properties; discussed the entries from the properties; where and how equipment will be brought onto the beach; have received approvals from Conservation Commission, Planning Board and wetlands permit.

Chairman Nichols asked about the current elevation and it varies now but will be level after this project.

Mr. Welch commented that he likes plan; solves many of the problems; things that have to be done under the statutes which he went through for the Board; this includes public hearings along with Boards approval; Atty. Gearreald has been working on this for some time now.

Atty. Gearreald commented that it is great to see this plan prior to the work being done; which has been done in the past but is not the right way; dealing with construction on Town property; explained why it needs Boards approval; regulations adopted by the Board in regards to this; ability to lease Town property and how this will be drafted; indemnifications obligations.

Chairman Nichols asked about the term of the lease and Atty. Gearreald stated it is for up to 5 years and that is what he would suggest in this case. Chairman Nichols had Mr. Welch discuss the RSA related to taxing leased property, which he did and included that the work would be assessed and taxed after work is complete. Chairman Nichols made comments as follows: pointed out that, this is a State Law; discussed the impact on the taxes for these properties in detail; bottom line is it is something that has to be done by statute. There was an additional detailed discussion on the tax impact and calculation.

Selectman Woolsey asked if the existing concrete wall would stay; five property owners have submitted an individual request; direction the stairs are lined up; talking about liability issues; liability concerns can be addressed in the lease; what will happen to the rip raft there now and it will be reused if it can be done.

Selectman Pierce asked about the location of the property line and the contractor went through the plans in detail for the Board.

They discussed the advantages of setting up the stairs going north to south.

They also discussed the timeline for the project and details of how work will be done.

The Board took the request under advisement and Mr. Welch anticipates coming back to the Board prior to the end of January with the lease document.

VIII. Approval of Minutes (2:31:45)

1. December 02, 2013

Page 6, 8th paragraph, 6th line beginning at \$7.04” rewrite as follows “\$7.04, proposed items for 2014 and not”

Chairman Nichols MOTIONED to approve the December 02, 2013 minutes as amended SECONDED by Selectman Pierce.

VOTE: 4-0-1(Woolsey)

IX. Town Manager’s Report (2:34:34)

1. The dedication of the Hampton Beach Fire Sub-Station was held on Thursday, December 12th. The Uptown Fire Station Headquarters will be dedicated on Tuesday, December 17th from 4PM to 6PM, one year after the ground breaking for construction.
2. The most recently amended version of the Town’s Purchasing Policy has been re-issued to all Departments as of Friday, December 13th.
3. Work continues on the Church Street Pumping Station. The contractors have been working to install the 24 inch PVC piping systems for the Grinder Manhole tie-ins for the new grinder manhole; interior plumbing rough-in continues; electrical rough-ins continue within the structure; Concrete and re-bar installations continue in the wet well and block filler and primer are being applied.
4. I have instructed DPW to have the old streetlights on Ashworth Avenue and A and B Streets removed where the new streetlight owned by the Town has been installed.
5. Residents who have motor vehicles to register during the month of December should seek to complete that task early to avoid the long lines at the end of the month that

will be longer due to the holidays. Also, please remember that the Town Clerk's Office closes at 11:30 on Fridays.

Mr. Welch added the following: have sent to the Board a copy of the non-budgetary expenditures and letter to go out to the Department Heads for the Boards review; taken in insurance bids for property liability and workers comp these contracts need to be awarded, this item should have been on the agenda, recommendation is to award it to Property Liability Trust and Workers Compensation Trust formerly LGC, they were low bidder.

Chairman Nichols would like to clarify, they discussed approving the bid for property liability trust and workers comp at last meeting; there was a consensus that they would go with low bid; the amount was \$787,648.

Atty. Gearreald explained that they have already paid for property liability through June 30, 2014 and workers compensation would be to cover this same time. So he would suggest that they approve a contract for only 6 months until June 30, 2014 in the amount of \$276,029.42.

Chairman Nichols confirmed that they are only being asked to approve the workers compensations since the current property liability coverage lasts until June 30, 2014.

Selectman Bean asked about the deficiencies in coverage other bidder came in with; asked Mr. Welch about agreement with Primex to step in at the beginning of any month if needed; coverage for legal department.

Selectman Woolsey MOTIONED to approve the workers compensation bid for 6 months expiring June 30, 2014 in the amount of \$276,029.42 SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman Nichols spoke about the information that is needed to go to the Budget Committee; amount that needs to be sent to the Budget Committee related to the property liability insurance that will be paid in 2014; even though they may not consummate an agreement they still need to have the money in the budget for this coverage; the amount will be roughly the \$787,648 but actual amount will need to come from Mr. Schwotzer.

Chairman Nichols clarified that the non-budgetary expenditures referred to are those that go into the future years. He also suggested that the wage portion of this policy should be added to the Personnel Policy as an amendment.

Chairman Nichols MOTIONED that they instruct Wanda to amend the Personnel Policy to reflect the implications on wages in this policy SECONDED by Selectman Bean.

VOTE: 5-0-0

Selectman Pierce asked what a Grinder Manhole, which Mr. Welch explained is.

Selectman Woolsey asked questions about the Church Street Pump Station and if weather will impact construction; motor vehicle registration and asked if there is an anticipated office closing; article in Sunday News in regards to risk to firefighters and possible training/resources available to them through Health Trust and other organizations.

Mr. Welch shared the details of the arrangements for Vic Lessard.

X. Old Business (2:53:04)

1. 2014 Warrant Articles (2:53:10)

Chairman Nichols asked that an additional column be added so the Board can start the process of finalizing articles.

Article 16 – High Street Culvert

Chairman Nichols would make two changes amount goes to \$175,000 and amount offset from grants goes to \$87,500.

Article – Human Service Agencies

Chairman Nichols confirmed with Mr. Welch that he has communicated with someone from Child and Family Services and they understand the Boards perspective. He believes that they can remove Child and Family Services. He also asked for an update on Cross Roads based on a discussion Board had in the past. Mr. Welch provided an update but it appears that it will be removed.

Selectman Pierce asked about the problems with the article that Child and Family Services have submitted; there needs to be changes made to the language. Mr. Welch will follow through on this.

Article 21 – Recreation Infrastructure Fund

Chairman Nichols stated that communication seems to be one way; Board makes suggestions but does not see them made; amount is still not broken out as to cost for each of the three projects.

Article 22 – Parking Lots Signage

Chairman Nichols still needs further details on this article.

Article 26 – Wastewater System Entrance Fees

Chairman Nichols would sure like to see a version of this next week.

Article 27 – Solid Waste Ordinance

Chairman Nichols would like to see some language on this.

Article – Entertainment Ordinance

Chairman Nichols will be working with Atty. Gearreald on a definition of outside entertainment.

Selectman Bean and Selectman Woolsey both reminded the Chairman that Article 35 needs to be moved up and follow money articles.

Selectman Bean asked Selectman Woolsey if she would like to share anything with the Board in regards to any petitioned warrant articles she may be leading the effort on. Selectman Woolsey stated that they have until January 14th and it will be submitted.

2. Preliminary Review of Year End Spending and Encumbrances (3:03:18)

Chairman Nichols stated that he put this on the agenda since they would like to approve it next week; list is fairly long and detailed; Board may have a lot of questions that need addressing; suggested that any specific questions should be asked now.

Selectman Pierce asked about a number of items that were not in the budget.

Chairman Nichols asked if Mr. Welch recommending that they approve all the items; so Manager has questions also; are some of the items budgeted in 2014 and that is not the case; general comment in regards to Finance Directors forecast; \$151,000 open PO's; these items are roughly \$191,000; forecast amount of \$414,000 still available; accomplished a very transparent situation; his objective is not to beat down this list. Mr. Welch made comments as follows: amount removed from DPW budget for 2014 expensive tire changing machinery and diagnostic equipment and included here; will need to have all 3 here so that they can answer Boards questions directly; need to be able to hear why these items are needed; went through some of the items on the list for the Board.

Selectman Woolsey stated that they still have \$6,410 in 2012 encumbrances; it is December of the following year; bring this up with Mike.

3. Repayment Agreement of SleepNet Corp CDBG Grant (3:11:13)

Atty. Gearreald stated that the Board had looked at this on December 2nd; Board had questions which he referred to the managing director of CDBG; repayment schedule only went out so far and this has been corrected and taken out until 2018; no job creation has been seen; job retention was a part of this and no jobs have been lost; there were questions about the Town's liability if repayments are not made and the Town is not liable.

Selectman Pierce MOTIONED to sign the agreement dated November 25, 2013 regarding the repayment by SleepNet of funds received through the Community Development Block Grant SECONDED by Selectman Woolsey.

VOTE: 4(Nichols, Pierce, Plouffe, Woolsey)-0-1(Beau)

Chairman Nichols brought up the following additional Old Business: received a memo that Sue Erwin is resigning from the Heritage Commission; in the memo it also mentions that there is not a great deal for them to do; if decide to eliminate the commission. Mr. Welch commented on an issue that was occurring with the signing of demolish permits and why Sue is suggesting the abolishing of the Heritage Commission. There was a discussion on how other members of the commission feel about this and Mr. Welch will send a letter to the other members for their feedback.

Selectman Woolsey commented that she still plans to bring up a motion to discontinue their association with the Rockingham Planning Commission and suggested this might be an item added to a future agenda. They discussed the statute and the fact that the Planning Board will be discussing this at their meeting on Wednesday.

Chairman Nichols asked Mr. Welch for an update on the Code Book and Mr. Welch is still waiting for information on the cost. Chairman Nichols expressed the fact that this needs to be done and shared why he sees this as an issue and continues to bring it up. Selectman Woolsey brought up the possibility of sharing the part time employee that is being proposed for the Legal Department. Atty. Gearreald agrees that this could be done. Selectman Woolsey asked if there is money in the budget this year maybe Mr. Welch should get a signed contract now so this money can be encumbered.

Selectman Pierce MOTIONED to take the money out of 2013 to cover the cost to update the Code Book SECONDED by Selectman Woolsey.

Selectman Bean expressed concerns on how this possibly violates the purchasing policy. Mr. Welch was asked to get price information and bring it back to the Board next week.

Motion withdrawn

XI. Consent Agenda (3:25:23)

1. Permit for Use of Town Property “Ruth C. Stimson Park” –Basset Wedding 09/20/14
2. Conservation Commission Alternate Appointment – Lorraine R. Mattimore
3. Signing of the Amended Purchasing Policy and Procedures

Chairman Nichols MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce.

VOTE: 4(Pierce, Plouffe, Bean, Nichols)-0-0

XII. Closing Comments

A motion was made by Chairman Nichols to go into a non-public session under RSA 91-A:3,II (a), this motion was seconded by Selectman Pierce. A roll call vote was taken, and four Selectmen were in favor

XIII. Adjournment

Chairman Nichols MOTIONED to adjourn SECONDED by Selectman Pierce.

VOTE: 4-0-0

Chairman